

REMARKS

STATUS OF CLAIMS

Claims 1-35 have been pending.

Claims 1-35 are rejected under 35 USC 103(a) as being unpatentable over Machida (US Patent No. 6,035,304) in view of Borg (US Patent No. 5,813,026). Borg is newly cited, and thus, newly relied upon.

Claim 32 is also rejected under 35 USC 102(b) as being anticipated by Borg

Claim 32 is also rejected under 35 USC 102(a) as being anticipated by Machida.

Claims 15, 16, 17, and 19 are amended, and claim 14 is cancelled without disclaimer or prejudice.

Thus, claims 1-13 and 15-35 remain pending for reconsideration, which is respectfully requested.

No new matter has been added in this Amendment. The foregoing rejections are traversed as follows:

35 USC 102 and 103 REJECTIONS

Claims 1, 3, 8, 15, 21, 22, 31, 32, 33, and 34 are independent. Dependent claim 14 is rewritten into independent form to further emphasize the patentably distinguishing features of the present claimed invention.

The Examiner in page 2 of the Office Action asserts that Machida discloses freshness information (FIG. 16, item 280), but the Examiner admits that Machida does not disclose the present claimed invention's:

... determining ***a display mode displaying the condition information depending on the freshness of the condition information***, wherein the display unit displays the display mode of the condition information and a user can observe at a glance the freshness of the condition information (e.g., claim 1, emphasis added).

Therefore, the Examiner newly relies on Borg, FIG. 6, and column 8, lines 41-60. In particular, the Examiner in page 2 of the Office Action asserts: "the portable device of Borg is able to display a happy face or an unhappy face depending on condition information." Then the Examiner asserts: "it would have been obvious to a person of ordinary skill in the art to display

happy or unhappy faces depending on freshness information so that a user can observe at a glance the freshness of the condition information.”

However, in Borg, a happy face or an unhappy face is displayed depending on selecting activation button S2, as disclosed in Borg, FIG. 6 and column 7, line 40 to column 9, line 52, but Borg does not display the happy face or an unhappy face depending on freshness of information.

Further, the Examiner does not arrive at the present claimed invention by combining Machida with Borg, because Machida or Borg do not disclose or suggest the present claimed invention, either alone, or if combined, as follows. Machida only discloses providing freshness information by disclosing in column 10, lines 54-58:

FRESHNESS 280 comprising:

any of the time expired from the last update time found in attribute 131, the time till the next broadcast time (described later), or the time and data till the effective time and data founded in attribute 221.

Although, as also acknowledged by the Examiner, Machida does not disclose the present claimed invention’s “**a display mode displaying the condition information**,” Machida also does not provide any suggestion or motivation to one skilled in the art to be modified to provide the present claimed invention’s, “**a display mode displaying the condition information**” and **changing the display mode based upon freshness information**, which substantially undermines any suggestion or motivation to be combined with Borg. This is because, Machida also does not disclose or suggest the present claimed invention’s,

storing a reference time for determining a freshness of the condition information in a terminal which **receives the condition information from other terminals through the network**;

determining the freshness of the condition information based on an elapsed time from said reference time ... (claim 1, emphasis added).

In other words, Machida does not disclose or suggest the present claimed invention’s **network transmitted condition information** and “**a display mode displaying the condition information depending on the freshness of the condition information**” (e.g., claim 1).

Even if Machida was combined with Borg, the combined system would not disclose the present claimed invention, but the combined system would disclose displaying Borg’s images representing alternative responses (happy, unhappy faces) to the acquired behavioral responses that are displayed depending on selecting activation button S2 (Borg, column 8, lines

29-60), and separately displaying Machida's freshness information as the time expired from the last update of the Borg's images, such that a user cannot observe at a glance the freshness of the condition information, which differs from the present claimed invention in which "**a display mode displaying the condition information depending on the freshness of the condition information**, wherein the display unit **displays the display mode of the condition information and a user can observe at a glance the freshness of the condition information**" (e.g., claim 1, emphasis added). In particular, if one combined Machida and Borg, the combined system would not disclose or suggest the present claimed invention, because in Borg, a happy face or an unhappy face is displayed depending on selecting activation button S2, as disclosed in Borg, FIG. 6 and column 7, line 40 to column 9, line 52, but Borg does not display the happy face or an unhappy face depending on freshness of information, and Machida does not disclose or suggest both of the present claimed invention's **network transmitted condition information** and "**a display mode displaying the condition information depending on the freshness of the condition information**," and as discussed above one skilled in the art would not be motivated to modify Machida to provide both of the present claimed invention's **network transmitted condition information** and "**a display mode displaying the condition information depending on the freshness of the condition information**."

Borg also does not disclose or suggest a network environment to provide a motivation to be modified to determine freshness of network transmitted condition information, because Borg does not disclose or suggest the present claimed invention's:

storing a reference time for determining a freshness of the condition information in a terminal which **receives the condition information from other terminals through the network**;

determining the freshness of the condition information based on an elapsed time from said reference time ... (e.g., claim 1, emphasis added).

Although, Borg discloses in FIG. 1 a device having the serial port 19 to the host computer, such a serial port interface differs from a network environment with a plurality of terminals. See, for example, the present dependent claim 13, regarding the present claimed invention's network providing "condition information of a group of users and users in the group."

Therefore, the combined system of Machida and Borg without further modification would not disclose or suggest the present claimed invention's displaying of the condition information as changed based upon freshness of the condition information (i.e., as recited, for example, in

independent claim 1, “determining **a display mode displaying the condition information depending on the freshness of the condition information**, wherein the display unit **displays the display mode of the condition information and a user can observe at a glance the freshness of the condition information**”).

The present claimed invention provides “freshness information” as a type of changing information to determine “a display mode displaying the condition information,” in which Machida does not contemplate using both of the present claimed invention’s network transmitted condition information and “a display mode displaying condition information,” and Borg does not contemplate using freshness information to change Borg’s displayed condition information, because in Borg, a happy face or an unhappy face is displayed depending on selecting activation button S2, as disclosed in Borg, FIG. 6 and column 7, line 40 to column 9, line 52, but Borg does not display the happy face or an unhappy face depending on freshness of information. In contrast to Machida and Borg, for example, as shown in FIG. 6 of the present Application, a display mode displaying the person’s mood condition (e.g., the happy face display) is changed according to freshness level. In FIG. 6 of the present Application, the display mode displaying SATOMI’s mood condition, which is happy, is very dark indicating most fresh based upon the freshness level-condition display mode table in FIG. 5. In other words, in FIG. 6 of the present Application, a user can be visually informed that SATOMI was recently in a happy mood. Machida and Borg, simply do not disclose or suggest the present invention’s **changing, according to freshness, a display mode displaying the condition information**. Support for the claims can be found, for example, in page 11, lines 9-27 and FIG. 6 of the present Application. Therefore, Machida and Borg cannot be combined and even if combined, the combined system would not achieve the present claimed invention.

CONCLUSION

In view of the amendments and the remarks, withdrawal of the rejections of pending claims and allowance of pending claims is respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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